

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4982

To improve the enforcement of child support obligations in both intrastate and interstate cases by requiring the imposition and execution of liens against the property of persons who owe overdue support.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 17, 1994

Mr. TORKILDSEN introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To improve the enforcement of child support obligations in both intrastate and interstate cases by requiring the imposition and execution of liens against the property of persons who owe overdue support.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. IMPOSITION OF LIENS AGAINST THE PROP-**  
4                       **ERTY OF PERSONS OWING OVERDUE CHILD**  
5                       **SUPPORT.**

6       Section 466(a)(4) of the Social Security Act (42  
7       U.S.C. 666(a)(4)) is amended to read as follows:

1           “(4)(A) Procedures under which a lien arises by  
2           operation of law against all property owned by an in-  
3           dividual who resides or owns property in the State,  
4           and owes overdue support.

5           “(B)(i) Such procedures shall require the State  
6           agency responsible for the administration of the  
7           State plan approved under this part, after notifying  
8           an individual described in subparagraph (A) that the  
9           individual owes overdue support and affording the  
10          individual an opportunity for administrative review,  
11          to—

12                 “(I) levy, or record with the appropriate  
13                 public or private entity a lien arising pursuant  
14                 to subparagraph (A), against any qualified  
15                 property of the individual; and

16                 “(II) execute on, seize, and sell the prop-  
17                 erty in accordance with State law.

18           “(ii) As used in clause (i), the term ‘qualified  
19           property’ means, with respect to an individual, any  
20           interest of the individual in property which is—

21                 “(I) registered or recorded with an agency  
22                 of a State or of the Federal Government; or

23                 “(II) held by a party other than the indi-  
24                 vidual.

1           “(C)(i) Such procedures shall require that,  
2           upon receipt from another State of the certification  
3           required by clause (ii) of this subparagraph with re-  
4           spect to an individual, the State agency referred to  
5           in subparagraph (B) shall—

6                   “(I) accord full faith and credit to a lien  
7                   arising pursuant to subparagraph (A) in such  
8                   other State against the property of the individ-  
9                   ual; and

10                   “(II) execute on, seize, and sell, in accord-  
11                   ance with State law, any interest of the individ-  
12                   ual in property which is located in the State.

13           “(ii) The certification required by this clause  
14           with respect to an individual is a certification—

15                   “(I) of the amount of overdue support that  
16                   is owed by the individual; and

17                   “(II) that a lien has arisen as described in  
18                   clause (i)(I) against the property of the individ-  
19                   ual, and was imposed in accordance with due  
20                   process.

21           “(D) Such procedures shall permit the certifi-  
22           cation described in subparagraph (C) to be transmit-  
23           ted to the State by electronic means, in accordance  
24           with regulations prescribed by the Secretary.”.

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